

Senate File 447

S-3141

1 Amend Senate File 447 as follows:

2 1. Page 1, line 16, after <actions.> by inserting
3 <In order to accomplish this purpose an affirmative
4 defense is provided in cases in which the animal
5 feeding operation is operated using existing prudent
6 and generally utilized management practices, has
7 operated prior to any damages suffered by the person
8 bringing the action, is operated in compliance with
9 applicable federal and state law, and is not operated
10 by a person who has habitually violated this state's
11 water quality laws.>

12 2. Page 1, line 28, by striking <conclusively>

13 3. Page 1, line 32, after <subsection 3.> by
14 inserting <The presumption may be rebutted by evidence
15 demonstrating that a reasonable probability exists that
16 prudent and generally utilized management practices
17 may be available that would significantly reduce
18 compensatory damages awarded under a new cause of
19 action described in this subsection if brought by the
20 same person and under the same circumstances within ten
21 years immediately after the present cause of action was
22 brought.>

23 4. Page 3, after line 25 by inserting:

24 <___. This section does not apply if a cause of
25 action described in subsection 2 is brought by a person
26 whose comfortable use and enjoyment of life or property
27 preceded the establishment or expansion of the animal
28 feeding operation that is asserted to be the proximate
29 cause of the compensatory damages.>

30 5. By renumbering, redesignating, and correcting
31 internal references as necessary.

KEVIN KINNEY